IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7789 OF 2005

Kamalesh Kumar Maurya .... Petitioner

versus

R.D.National College
& W.A.Science college & ors..... Respondent.

Mr. Mistry h/f M/s. M.P.Vashi &7 Associates for petitioner.
Mr. J.S.Chandnani i/b. Mr. Gobindram Talreja for respondents 1 and 2.
None for Respondents 3,4 and 5.

CORAM; A.P. DESHPANDE, J.
DATED; 7TH FEBRUARY, 2007

P.C.;

1. The petitioner was initially appointed as a lecturer in junior college for the academic session 1998-99. The appointment order clearly provides that the said appointment is temporary in nature. As the work load had decreased in the academic session 1999-2000, the school management had issued an order of appointment in favour of the petitioner as part-time lecturer and in the year next thereto i.e. academic year 2000-2001 there was further reduction in the work load which prompted the management to issue an order appointing the petitioner on clock hour basis. It is this allocation of work on clock hour basis, which came to be challenged by filing an appeal before the Tribunal interalia contending that he was

reduced in the rank that affects the status and pay scale. Perusal of sub rule (9) of Rule 26 shows that change in the nature of status from full time teacher to part-time teacher on account of reduction in the work load does not amount to reduction in rank. Even a full time employee was working in a recognised and aided school, is not entitled to absorption on account of happening of a contigency contemplated by sub rule (9) of Rule 26. The tribunal has held that change in status of a full time to a part-time and to clock hour basis is made on account of reduction in the workload, which doesnot amount to reduction in the rank. I do not find any error in the said finding recorded by the tribunal. There is no merit in the petition. Hence it is summarily dismissed.

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